

REMARKS

In light of the above amendments and remarks to follow, entry of this amendment and reconsideration and allowance of this application are respectfully requested.

Claims 76-85 are pending in this application. Claims 1-75 are canceled.

Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-33 and 36-58 of co-pending Application No. 10/088,336. All of the provisionally rejected claims have been canceled and replaced with new claims directed to different subject matter. Specifically, new claims 76-85 are directed to those features of the invention shown in Figures 8 and 9. Accordingly, Applicants believe this rejection is moot.

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been canceled. Accordingly, Applicants believe this rejection is moot.

Claims 1, 11, and 18-24 were rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. (U.S. Patent 6,170,060). Claims 3-5 and 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Boccon-Gibod et al. (Published U.S. Application 2001/0016836). Claims 2, 6-8, 12 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura et al. (U.S. Patent 6,453,369). Claims 9, 10, 16, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Yamakawa et al. (U.S. Patent 6,738,877). Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mott. Claims

27-29, 55-59, 65-69 and 73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura and Boccon-Gibod. Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Yamakawa. Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Proidl (U.S. Patent 6,308,269). Claims 34-36, 40, 41, and 42-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Proidl and Imamura. Claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Proidl and Boccon-Gibod. Claims 52-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Proidl, Imamura, Boccon-Gibod, and Yamakawa. Claims 60-62 and 70-72 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura, Boccon-Gibod, and Hiokl et al. (U.S. Patent 6,681,105). Claims 63, 64, 74 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura, Boccon-Gibod, and Yamakawa.

All of the rejected claims have been canceled. New claims 76-85 are directed to those features of the invention shown in Figures 8 and 9. The present claims recite "connecting a user identification module to a data player for reproducing the audio data from the recording medium." (Claim 76) Moreover, "if the compared module identification data is coincident, reproducing the audio data; and if the compared module identification data is not coincident, detecting a reproduction rule buried in the read audio data and reproducing the audio data in accordance with the reproduction rule." (Claim 76) These limitations correspond to steps S68-S74 shown in Figure 9. Applicants respectfully assert that none of the cited references discloses an analogous user identification module connected to a data player and whose module identification data is compared with module identification data buried in the audio data for use in determining the reproduction

of audio data as required in the present claims. There is no combination of Mott, Imamura, Hiokl Boccon-Gibod, Proidl, and Yamakawa which meets the presently recited limitations. Accordingly, for at least this reason, Mott, Imamura, Hiokl Boccon-Gibod, Proidl, and Yamakawa fail to obviate the present invention and the new claims should be allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

By 

Darren M. Simon

Registration No.: 47,946

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant